

<div>CITY OF SAN JOSÉ, CALIFORNIA Department of Planning, Building and Code Enforcement 801 North First Street, Room 400 San José, California 95110-1795</div> <div>STAFF REPORT</div>	Hearing Date/Agenda Number C.C.: 05-04-04 Item No.	
	File Number C04-003	
	Application Type Conforming Prezoning	
	Council District 4	
	Planning Area Berryessa	
	Assessor's Parcel Number(s) 595-26-051	
PROJECT DESCRIPTION		
Completed by: Mike Mena		
Location: East side of Noble Lane approximately 550 feet northerly of Noble Avenue.		
Gross Acreage: 1.05 Net Acreage: 1.05 Net Density: N/A		
Existing Zoning: Unincorporated Existing Use: Single-Family Residential		
Proposed Zoning: R-1-5 Single-family Residential Proposed Use: Single-Family Residential		
GENERAL PLAN		
Completed by: MM		
Land Use/Transportation Diagram Designation Medium Low Density Residential (8 DU/ AC)		Project Conformance: [x] Yes [] No [] See Analysis and Recommendations
SURROUNDING LAND USES AND ZONING		
Completed by: MM		
North:	Single-family Residential	R-1-5 Single-family Residence
East:	Single-family Residential	Unincorporated
South:	Single-family Residential	R-1-5 Single-family Residence
West:	Single-family Residential	R-1-5 Single-family Residence
ENVIRONMENTAL STATUS		
Completed by: MM		
[] Environmental Impact Report Resolution No. 65459 [] Negative Declaration		[x] Exempt [] Environmental Review Incomplete
FILE HISTORY		
Completed by: MM		
Annexation Title: Penitencia No. 71		Date: Pending
PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION		
[X] Approval [] Approval with Conditions		Date: _____ Approved by: _____ [X] Action [] Recommendation
OWNER/ DEVELOPER	CONTACT	
Lein Diem Vu 1072 Noble Lane San Jose, CA 95132	Guillermo Prado 2628 South King Road San Jose, CA 95122	

PUBLIC AGENCY COMMENTS RECEIVED	Completed by: MM
None received.	
OTHER DEPARTMENTS AND AGENCIES	
See attached memorandum from Department of Public Works and Fire Department.	
GENERAL CORRESPONDENCE	
None received.	
ANALYSIS AND RECOMMENDATIONS	

BACKGROUND

The applicant is requesting a conforming rezoning of the subject 1.05 gross-acre site to R-1-5 Residence District. The property is currently located in the County of Santa Clara; an annexation application, Penitencia No. 71, is pending. The site is currently developed with one single-family residence. The site is entirely surrounded by single-family residential uses with lots ranging from 17,000 square feet to 40,000 square feet in size. Properties located on three sides of the site are currently zoned R-1-5 Residence District and properties located to the east of the site are unincorporated.

The proposed R-1-5 Residence District is intended to reserve land for the construction, use and occupancy of single-family subdivisions. The allowable density range for the R-1-5 District is up to 5 dwelling units per acre, with a minimum lot size of 8000 square feet.

GENERAL PLAN CONFORMANCE

The site is designated Medium Low Density Residential (8 DU/AC) on the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed R-1-5 Residence Zoning District is consistent with this designation in that the zoning district development standards and density are consistent with the General Plan designation.

ENVIRONMENTAL REVIEW

Under the provisions of Section 15319 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

The proposed project is consistent with this class in that the project consists of rezoning and annexation of individual small parcels of the minimum size for the proposed zoning district (R-1-5 Residence District) exempted by Section 15303, where the rezoning and annexation is to allow for one single-family residence.

ANALYSIS

The proposed rezoning to the R-1-5 Residence District is in conformance with the General Plan Designation of Medium Low Density Residential (8 DU/AC) and will facilitate the applicant's intention to replace an existing 2,072 square foot single-family residence with a new approximately 5,650 square foot residence on the site. The proposed new residential development will be compatible with surrounding single-family residential uses. This zoning district may allow for a future subdivision of the property in a manner consistent with the proposed zoning district and General Plan. The applicant has not indicated a desire to subdivide the subject property at this time; however, any proposed future subdivision would require additional review by staff to ensure that the proposed subdivision complies with applicable policies and ordinances.

PUBLIC OUTREACH

A notice of the public hearing was distributed to the owners of all properties located within 500 feet of the project site. Staff has been available to discuss the proposal with members of the public.

RECOMMENDATION

Planning staff recommends approval of the proposed rezoning for the following reasons:

1. The proposed rezoning is in conformance with the General Plan Land Use/Transportation Diagram designation of Medium Low Density Residential (8 DU/AC).
2. The proposed R-1-5 Residence Zoning District will facilitate development of this site that is compatible with the surrounding residential uses.